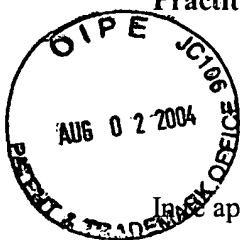


IFW

Practitioner's Docket No. 92030/03-701

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: MALONE, David G.

Application No.: 10/812,837

Group No.: 3732

Filed: 03/30/2004

Examiner: Unknown

Confirmation No.: 3121

For: Devices and methods for facilitating controlled bone growth or repair

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

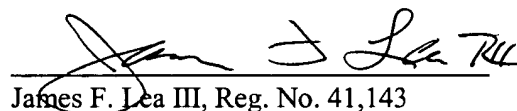
The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

Date: 7-30-04

Tel. No.: 918.599.0621

Customer No.: 22206

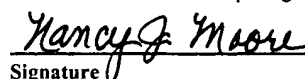
270381.1


James F. Lea III, Reg. No. 41,143

FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

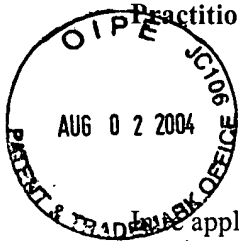
I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.


Signature

Date: July 30, 2004

Nancy J. Moore

(type or print name of person certifying)



Practitioner's Docket No. 92030/03-701

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David G. MALONE

Application No.: 10/812,837

Group No.: 3732

Filed: 03/30/2004

Examiner: Unknown

Confirmation No.: 3121

For: Devices and methods for facilitating controlled bone growth or repair

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Identification of Person(s) Making This Information Disclosure Statement

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____

Nancy J. Moore
Signature

Date: July 30, 2004

Nancy J. Moore
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)

Attached.

Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of foreign patent documents as well as non patent literature documents listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

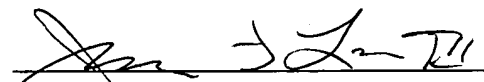
Section 4. Identification of Person Making This Information Disclosure Statement

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: 7-30-04

Reg. No.: 41,143
Tel. No.: 918.599.0621
Customer No.: 22206


Signature of Practitioner

James F. Lea III
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318

270383.1

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	10/812,837
Filing Date	03/30/2004
First Named Inventor	David G. MALONE
Art Unit	3732
Examiner Name	Unknown
Attorney Docket Number	92030/03-701

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US- 2001/0032018 A1	10/18/2001	Castro, et al.	
	AB	US- 6,179,873 B1	01/30/2001	Zientek	
	AC	US- 6,039,762	03/21/2000	McKay	
	AD	US- 6,015,436	01/18/2000	Schonhoffer	
	AE	US- 6,010,502	01/04/2000	Bagby	
	AF	US- 5,980,522	11/09/1999	Koros, et al.	
	AG	US- 5,976,187	11/02/1999	Richelsoph	
	AH	US- 5,968,099	10/19/1999	Badorf, et al.	
	AI	US- 5,906,616	05/25/1999	Pavlov, et al.	
	AJ	US- 5,876,457	03/02/1999	Picha, et al.	
	AK	US- 5,702,449	12/30/1997	McKay	
	AL	US- 5,683,394	11/04/1997	Rinner	
	AM	US- 5,571,192	11/05/1996	Schonhoffer	
	AN	US- 5,055,104	10/08/1991	Ray	
	AO	US- 4,501,269	02/26/1985	Bagby	
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	AP	EP 0716840 A2	07/06/1996	Surgical Dynamics, Inc.		
	AQ	FR 2760355 A	07/11/1998	Serge Schroyer		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

AUG 02 2004

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/812,837
Filing Date	03/30/2004
First Named Inventor	David G. MALONE
Art Unit	3732
Examiner Name	Unknown
Attorney Docket Number	92030/03-701

Sheet	1	of	2
-------	---	----	---

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AR	AGAZZI, S., et al., "Posterior lumbar interbody fusion with cages: an independent review of 71 cases," J NEUROSURG (SPINE 2), Vol. 91, pp. 186-192, (1999).	
	AS	GOH, J.C.H., et al., "Influence of PLIF Cage Size on Lumbar Spine Stability," SPINE, Vol. 25 (No. 1), pp. 35-40, (2000), Lippincott Williams & Wilkins, Inc.	
	AT	GREENOUGH, C.G., et al., "Anterior Lumbar Fusion. A Comparison of Noncompensation Patients with Compensation Patients," CLINICAL ORTHOPAEDICS AND RELATED RESEARCH, No. 300, pp. 30-37, (1994), J.B. Lippincott Company.	
	AU	HACKER, R.J., "Comparison of Interbody Fusion Approaches for Disabling Low Back Pain," SPINE, Vol. 22 (No. 6), pp. 660-666, (1997), Lippincott-Raven Publishers.	
	AV	HIGHHOUSE, M.E., et al., "Lateral Intertransverse Process Single-Level Fusion for Salvage of the Unstable Failed Posterior Lumbar Interbody Fusion," JOURNAL OF SPINAL DISORDERS, Vol. 9 (No. 1), pp. 59-63, (1996), Lippincott-Raven Publishers.	
	AW	KUSLICH, S.D., et al., "The Bagby and Kuslich Method of Lumbar Interbody Fusion. History, Techniques, and 2-Year Follow-up Results of a United States Prospective, Multicenter Trial," SPINE, Vol. 23 (No. 11), pp. 1267-1279, (1998), Lippincott-Raven Publishers.	
	AX	MCAFEE, P.C., et al., "Minimally Invasive Anterior Retroperitoneal Approach to the Lumbar Spine. Emphasis on the Lateral BAK," SPINE, Vol. 23 (No. 13), pp. 1476-1484, (1998), Lippincott-Raven Publishers.	
	AY	MCAFEE, P.C., et al., "Revision Strategies for Salvaging or Improving Failed Cylindrical Cages," SPINE, Vol. 24 (No. 20), pp. 2147-2153, (1999), Lippincott Williams & Wilkins, Inc.	
	AZ	SCHLEGEL, K. F., et al., "The Biomechanics of Posterior Lumbar Interbody Fusion (PLIF) in Spondylolisthesis," CLINICAL ORTHOPAEDICS AND RELATED RESEARCH, No. 193, pp. 115-119, (1985).	
	BA	VAMVANI, V., et al., "Surgical Treatment of Internal Disc Disruption: An Outcome Study of Four Fusion Techniques," JOURNAL OF SPINAL DISORDERS, Vol. 11 (No. 5), pp. 375-382, (1998), Lippincott Williams & Wilkins (Philadelphia).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

on Act of 1995, no persons are

0195

AUG 02 2004

DISCLOSURE

BY APPLICANT

NON PATENT LITERATURE DOCUMENTS

**Examiner
Signature**

Date Considered

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.